

**205.175 Confidential treatment of information and records -- Persons to whom furnished.**

- (1) All letters, reports, communications, and other matters, written or oral, to the cabinet or any of its agents, representatives, or employees, or to any board or official functioning under this chapter which have been written, sent, or made in connection with the requirements and administration of the cabinet shall be absolutely privileged and shall not be the subject matter or basis for any suit for slander or libel in any court, but no person testifying before the secretary or his duly authorized representative shall be exempt from punishment for perjury.
- (2) Information received or transmitted shall not be published or be open for public inspection, including instances in which the agency determines reasonable cause to believe evidence of domestic violence or child abuse and the disclosure of the information could be harmful to the custodial parent or the child of the parent, except that necessary information and records may be furnished to:
  - (a) Public employees in the performance of their duties in connection with the administration of the public assistance or child support enforcement program pursuant to Part D of Title IV of the Social Security Act;
  - (b) All law enforcement agencies including county attorneys, Commonwealth's attorneys, District and Circuit Judges and grand juries in discovering and prosecuting cases involving fraud;
  - (c) Duly elected members of the General Assembly of the Commonwealth of Kentucky and the Congress of the United States in connection with their duties as members of such legislative bodies, but such information shall be limited to cases of individual constituents of the legislator, who have requested information regarding their application or grant, as specified in the inquiry by such legislator;
  - (d) Any interested party at a hearing before the secretary or his duly authorized representative to the extent necessary for the proper presentation of his case; provided, that any names or information obtained through access to such records shall not be used for any commercial or political purposes; and
  - (e) Any bank, savings and loan association, credit union, or other financial institution to the extent necessary to ascertain or confirm information submitted by the applicant or recipient and used to make eligibility or benefit determinations.
- (3) Information regarding a public assistance applicant or recipient may also be released, in the discretion of the secretary or those he may designate, to such individuals or agencies as meet the requirements of regulations promulgated by the secretary and who are supplying or cooperating in securing services, employment, or training for the applicant or recipient of public assistance.
- (4) The unauthorized use by any employee of the cabinet of information obtained pursuant to KRS 205.835 is prohibited.

**Effective:** July 15, 1998

**History:** Amended 1998 Ky. Acts ch. 255, sec. 2, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 411, sec. 17, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 286, sec. 3, effective July 15, 1986. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 191, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21) and (29). -- Amended 1970 Ky. Acts ch. 248, sec. 3. -- Created 1952 Ky. Acts ch. 33, sec. 3.